

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|   |   |                               |
|---|---|-------------------------------|
| WILLIAM HENRY RASCOE,                     | : |                               |
|   | : |                               |
| Petitioner                                | : | CIVIL ACTION NO. 4:CV-05-1391 |
|   | : |                               |
| v.  | : | (Judge Jones)                 |
|   | : |                               |
| JUDGE JOHN H. CHRONISTER, <u>et al.</u> , | : |                               |
|   | : |                               |
| Respondents                               | : |                               |

**O R D E R**

September 30, 2005

William Henry Rascoe (“Petitioner” or “Rascoe”), an inmate confined in the State Correctional Institution, in Dallas, Pennsylvania, filed the above-captioned Petition for Writ of Habeas Corpus (“the Petition”) pursuant to 28 U.S.C. § 2241. Petitioner did not name as Respondent the officer having present custody of Petitioner. See R. GOVERNING § 2254 CASES R.2(b)(“In such a case the officer having present custody of the applicant and the attorney general of the state in which the judgment which he seeks to attack was entered shall each be named as respondents.”).

By Order dated August 11, 2005, the Petition was returned to the Petitioner for failure to name as Respondent the officer having present custody of Petitioner, see id. 2(e) (“If a petition . . . does not substantially comply with the requirements of rule 2 . . . it may be returned to the petitioner, if a judge of the court so directs, together with a statement of the reason for its return.”), and the Petitioner was directed to file an

amended Petition on or before August 30, 2005. (Rec. Doc. 6). Petitioner was forewarned that his failure to timely comply with the Court's Order would result in the dismissal of his case. Id.

The relevant time has passed and Rascoe has neither submitted an amended Petition, nor requested an extension of time within which to do so. Thus, this action will be dismissed for Petitioner's failure to follow a Court Order. See Fed.R.Civ.P. 41(b).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The Petition for Writ of Habeas Corpus is **DISMISSED** pursuant to Fed.R.Civ.P. 41(b) for Petitioner's failure to follow a Court Order.
2. The Clerk of Court is directed to **CLOSE** the case.

s/ John E. Jones III  
JOHN E. JONES III  
United States District Judge